

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KRAIG A. KIRSCHNER)	Group Art Unit:
)	
Serial No. Filed Herewith)	Examiner:
)	
Filed: Filed Herewith)	
)	
For: SEISMIC ADAPTER)	

PRELIMINARY STATEMENT

Hon. Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The application filed herewith has been amended to include the priority information before the background of the invention, a grammatical correction also made in the priority application and an addition to the description of the obtuse angle by including the phrase "substantially greater than 90° as illustrated in Figure 3". No new matter has been submitted which was not found in the specification or drawings in the original application.

Claims 13 and 14 of the prior application were finally rejected in an official action of January 9, 2004. This rejection was based upon Applicant's description of the prior art in the Information Disclosure Statement received July 30, 2001 in the parent application in view of Koyama, U.S. Patent No. 5,259,165.

Claims 1 and 2 are similar to the rejected claims 13 and 14 but for the addition of the recitation regarding the obtuse angles that it are "substantially greater than 90°".

Regarding the rejection of claims 13 and 14 in the parent application, the application of the Koyama reference is inconsistent with the recitation in claim 13. A comparison is made between the Koyama engagement plate 3 and the engagement plate of claim 13. However, it is the anchor plate of claim 13 which is in juxtaposition with the second legs while the Koyama engagement plate 3 found in Figures 3 and 4 of that patent is in juxtaposition with the second legs. Consequently, the relative association of components as recited in claim 13 has been ignored in making the comparison with Koyama.

The Office Action also characterizes the recitation of an obtuse angle in claim 13 as including minutely more than 90°. Obviously an angle substantially more than 90° was present in the application through the drawing of Figure 3. Changes have been made in present claim 1 to overcome the inappropriate breadth of claim 13.

In the prior application, the obtuse angle was characterized as providing a degree of flexibility which could not be realized in the Koyama device. Clearly the thickness of the plate is a mere matter of design choice. However, the feature of the obtuse angle creates relatively more flexibility in terms of the response to a tightening of the studs than were the engagement portions perpendicular to the legs of the web joist. The obtuse angle also creates a wider base and greater lateral rigidity than that which is disclosed in Koyama. Again, it is a matter of design choice how rigid and how wide once employing the novel mechanism of the obtuse orientations of the upstanding engagement portions.

In the Official Action in the parent application mailed January 9, 2004, Applicant was characterized as arguing that Koyama is not analogous art. Such an assertion was

not made. Rather, Applicant pointed out and supported that the teachings of Koyama are inconsistent with that of the Stenke reference previously relied upon. Koyama is also inconsistent with Applicant's description of the prior art in the Information Disclosure Statement for the same reasons as presented in the prior amendment.

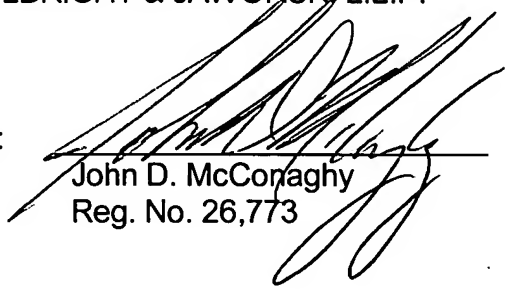
Consideration of new claims 1 through 3 in light of the foregoing comments is earnestly solicited.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

January 16, 2004

By:



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